

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**FRED BECK; ET AL.,
(Sherrie Barnes)**

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:03CV60-P-D

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;
ET AL.,**

DEFENDANTS.

CONSOLIDATED WITH

HOPE ELLIS, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:04CV160-P-D

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;
ET AL.,**

DEFENDANTS.

ORDER

This matter comes before the court upon Defendants’ Motion in Limine to Bar Testimony of Dr. Rod O’Connor [858-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

For the same reasons discussed in the defendants’ motion and reply – reasons the court adopts and incorporates herein – the motion in limine to bar testimony of Dr. Rod O’Connor should be granted because designation of Dr. O’Connor as a will-call witness for rebuttal is untimely pursuant to Fed. R. Civ. P. 26(a)(2)(C).

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendants’ Motion in Limine to Bar Testimony of Dr. Rod O’Connor [858-1] is **GRANTED**; therefore,

(2) The court excludes any testimony of Dr. Rod O'Connor during trial of Sherrie Barnes's claims.

SO ORDERED this the 3rd day of April, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE